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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Eli Nhaissi

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12/14/2006

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EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,102

Applicant(s)

NHAISSI ET AL.

Examiner

Debra F. Charles

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 88-179 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 88-179 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Rainis et al.(6310873A) discloses the invention relates to a system that provides telephonic communication over the Internet, and more particularly relates to an Internet telephony system that allows the user to select a service to handle the call, to choose a method of payment, and to call a party by ringing the party's standard telephone. When the user desires to place a call, the user receives rate quotes from candidate telephony servers and selects a telephony server, which connects the call to the receiving party's standard telephone. The selected telephony server handles payment for the call and provides the user with information regarding progress and cost of the call.

And, Jacobson (6735701B1) discloses a method, apparatus, and article of manufacture for maintaining policy compliance on a computer network is provided. The method provides the steps of electronically monitoring network user compliance with a network security policy stored in a database, electronically evaluating network security policy compliance based on network user compliance, and electronically undertaking a network policy compliance action in response to network security policy compliance.

Further, Berlin et al.(5915093A) disclose a method and system for retrieving a selected type of information from a remote computer via a computer network using a disk token purchased from a vendor that is associated with a certain type of information and a certain number of pre-paid access units.

All these deal with computer networks and payment for activity on the network, and dealing with an ISP.

In response to applicant's argument that Rainis et al.(6310873A), Jacobson (6735701B1) and Berlin et al.(5915093A) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, All these deal with computer networks and payment for activity on the network, and dealing with an ISP.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 88-123, 125-128, 129-134, 138-141 and 156-171 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainis et al.(6310873A), Jacobson (6735701B1) and Berlin et al.(5915093A).

Rainis et al. discloses internet prepayment system that allows the user to transfer funds from one account to another account, balance information, view advertisements, use a smart card for payment, use a prepayment

scheme, guaranteed quality of service, and receive a refund if the service is not satisfactory, apparatus with storage(Abstract, col. 2, line 65-col. 4, line 10, col. 5, line 45-col. 6, line 5).

Rainis et al. does not disclose searching for something on the web and purchasing something on the internet. Berlin et al. discloses searching for something on the internet(Abstract, col. 2, line 30-67, col. 4, line 15-col. 5, line 30). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rainis et al. to include the step of searching for something on the internet and purchasing something on the internet. The motivation to combine these references is searching for something on the internet and purchasing something are main ways of using the ISP internet billed time.

Both Rainis et al. and Berlin et al. fail to teach virtual personality. However, Jacobson does teach virtual personality in col. 7, lines 10-60. Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Jacobson to include the step of virtual personality. The motivation to combine these references is to facilitate customized internet access.

3. Claim 124 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rainis et al.(6310873A), Jacobson (6735701B1) and Berlin et al.(5915093A) and Yamanouchi et al.(5105268A).

Rainis et al., Jacobson and Berlin et al. fail to teach first and second prepaid internet access account or card. Yamanouchi et al. disclose first and second prepaid card accounts wherein user can transfer funds between them(col. 12, 40-55). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rainis et al., Jacobson and Berlin et al. to include the step of two prepaid accounts or cards. The motivation to combine these references is to facilitate customized internet access with seamless funds transfer.

4. Claims 125-130 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainis et al.(6310873A), Jacobson (6735701B1), Berlin et al.(5915093A), and Lavey Jr. et al.(6023698A).

Rainis et al., Jacobson and Berlin et al. fail to teach automatically connecting to the selected ISP. Lavey Jr. et al. disclose the user identification information and password can be stored by the client application and automatically passed to the ISP when a connection to the ISP is established, selecting a different ISP(Abstract, col. 1, line 55-col. 2, line 67). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rainis et al., Jacobson and Berlin et al. to include the step of automatically selecting and connecting to an ISP. The motivation to combine these references is to facilitate user's ability to use various ISP providers.

Claims 135-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainis et al.(6310873A), Jacobson (6735701B1), Berlin et al.(5915093A), and Khan et al. (6199054B1).

Rainis et al., Jacobson and Berlin et al. fail to teach modifying rate responsive to quality of service connection and various parameters. Khan et al. disclose current rate dynamically updated based on various

parameters(Abstract, col. 2, lines 20-col. 3, line 5).). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rainis et al., Jacobson and Berlin et al. to include the step of varying the rate charged for services based on various parameters. The motivation to combine these references is to facilitate rate variation based on the quality of service as indicted by specific parameters.

Claims 142-145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainis et al.(6310873A), Jacobson (6735701B1), Berlin et al.(5915093A), and L. Del Riccio et al. (2769024A).

Rainis et al., Jacobson and Berlin et al. fail to teach prepaid entertainment and advertising distribution system. L. Del Riccio et al. disclose a advertising distribution system(cols 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rainis et al., Jacobson and Berlin et al. to include the step of using a prepaid advertising account to purchase various ad slots. The motivation to combine these references is to facilitate quick and efficient internet advertising purchase and presentation.

Claims 146-150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainis et al.(6310873A), Jacobson (6735701B1), Berlin et al.(5915093A), and Garrick et al.(5968125A).

Rainis et al., Jacobson and Berlin et al. fail to teach website construction and site maintenance software. Garrick et al. disclose The web sites, also known as home pages, may be created from various word processing documents spread sheets, presentation packages and the like using available application programs which convert the word processing documents into hypertext documents compatible with HTML. Microsoft's "FRONT PAGE" software is an example of available software for creating web sites. Hundreds and even thousands of web sites can be

run by a web server. Each of the web sites may consist of any number of web pages and/or can even consist of a single hypertext document and one or more succeeding linked documents. The cost for maintaining a web site on a particular web server is based on various factors including: the particular disk storage space for the web site and/or web page, computer processing requirements, costs associated with designing and constructing pages in the web sites, costs of technical maintenance of the web site and the required hardware and software, costs to purchase the required hardware and software to operate the web site and other costs associated with building and operating the web site(Abstract, col. 2, lines 5-30).

Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rainis et al., Jacobson and Berlin et al. to include the step of website construction and site maintenance software. The motivation to combine these references is to facilitate quick and efficient internet site access, availability and customization.

Claims 151-179 are rejected under under 35 U.S.C. 103(a) as being unpatentable over Rainis et al.(6310873A), Jacobson (6735701B1), Berlin et al.(5915093A), and Skillen et al. (6098065A).

Rainis et al., Jacobson and Berlin et al. fail to teach implicit command. Skillen et al. disclose the associative search engine of machine contains software algorithms or non-precise techniques, such as, fuzzy logic that correlates a search argument derived from the user and changes in the argument during a single session with the product database whereby the most logical product from its available list may be selected. It then provides an advertisement insert that is added to the end user's search page in an attempt to offer the end user with the product that is closest to the need as determined by the associative search engine(col. 5, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rainis et al., Jacobson and Berlin et al. to include the step of implicit command. The motivation to combine these references is to facilitate quick and efficient internet site access, availability and customization.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

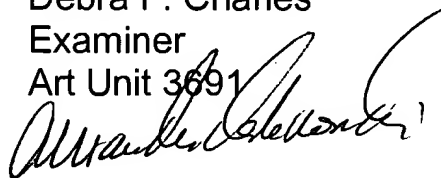
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571)

272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debra F. Charles
Examiner
Art Unit 3691



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER